

## REMARKS

Claims 1-24 and 26-35 are pending in the present application. Applicant respectfully responds to this Office Action.

**Claim Rejections – 35 USC § 102**

Claims 1, 2, 5, 6, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,539,008 to Ahn et al.

All of Applicants' claims are novel and patentable over Ahn. Ahn does not teach all features of Applicants' claims. The discussion below uses Applicants' Claim 1, but applies equally to all of Applicants' claims because of the common feature discussed below.

Applicants' Claim 1 and all of Applicants' claims have the feature that the "indication is formed by aggregating a plurality of power control bits **allocated for feedback for the second transmission**, wherein the aggregating lowers the rate of the plurality of power control bits." Further, the aggregating a plurality of bits allocated for feedback is explained in Applicants' specification as originally filed as "the allocated bits for each power control sub-channel can be aggregated to **form a more reliable, lower rate sub-stream**" (see page 8, first paragraph of Applicants' specification). Therefore, the aggregation is done at the **transmitter** for the above purposes.

Ahn, however, does not teach aggregating the bits at the transmitter. Rather, Ahn discusses generating "power control bits that have independent control information" and changes the rate of the power control bits by generating fewer bits (please see column 5, lines 41-49). This is distinct from Applicants' teaching of power control bit aggregation. Ahn does mention that "power control is performed once as the average of three power control bits and six power control bits respectively" (please see column 5, lines 55-60). However, this is **power control based on received power control bits**, which is distinct from the **aggregation of power control bits at the transmitter**.

Examiner states that Ahn discloses aggregating power control bits. Applicant respectfully disagrees. Ahn does not lower the rate of the power control bits by aggregation. Instead Ahn performs the power control itself at a lower rate: "A power control speed of 2400

Hz results **when power control is performed** once at the average of two power control bits after demodulation at the **receiver**” (please see Ahn column 5, lines 50-60). Ahn does not lower the rate of the power control bits by aggregation at the transmitter of the power control bits, but instead lowers the rate of power control itself at the receiver of the power control bits. Therefore, Ahn alone, or in combination with any of the cited art, does not teach or suggest all features of Applicant’s claims.

Examiner further states that Ahn teaches “wherein the **aggregating is performed at the transmitter of the power control bits**” as in Applicants’ claims. Ahn, however, only teaches “[t]he **selection of a particular power bit frequency** can be made either during the power control bit determination or after the power control bits are demodulated in a receiver.” (Ahn, column 5, lines 34-37). Therefore, Ahn does not teach “**aggregating is performed at the transmitter of the power control bits**” as in Applicants’ claims but merely **selection of a particular power bit frequency**. In other words, Ahn does not teach that “the second indication is formed by aggregating a plurality of power control bits allocated for feedback for the second transmission, wherein the aggregating lowers the rate of the plurality of power control bits, and further wherein the aggregating is performed at the transmitter of the power control bits.” As taught in Applicants’ specification as originally filed, “the allocated bits for each power control sub-channel can be **aggregated to form a more reliable, lower rate sub-stream**” (see page 8, first paragraph of Applicants’ specification). Therefore, all of Applicants’ claims are novel and patentable over Ahn.

### Claim Rejections – 35 USC § 103

Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,539,008 to Ahn et al.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,539,008 to Ahn et al. in view of U.S. Patent No. 6,233,439 to Jalali.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,539,008 to Ahn et al. in view of U.S. Patent No. 6,233,439 to Jalali and in further view of U.S. Patent No. 6,259,927 to Butovitsch et al.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,539,008 to Ahn et al. in view of U.S. Patent No. 6,148,208 to Love.

Claims 10-13, 15-18, 20, 24, 26 and 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,539,008 to Ahn et al. in view of U.S. Patent No. 6,590,873 to Li et al.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,539,008 to Ahn et al. in view of U.S. Patent No. 5,590,873 to Li et al., and in view of U.S. Patent No. 6,498,785 to Derryberry et al.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,539,008 to Ahn et al. in view of U.S. Patent No. 5,590,873 to Li et al., and in view of U.S. Patent No. 6,337,989 to Agin.

As explained above for the Section 102 rejections, Ahn does not teach the features relied upon by the Examiner to make the Section 103 rejections. Ahn, alone or in combination with any of the above cited art, does not teach all the features of Applicants' claims. Applicants' claims are therefore patentable over Ahn and the above cited art and are in a position for speedy allowance.

#### **Allowable Subject Matter**

Claims 22 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As discussed above, the independent base claims for claims 22 and 23 are allowable. Therefore, claims 22 and 23 are also in a position for allowance and the rejection should be removed.

**REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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